

Amendments to the Drawings:

The attached eight replacement sheets of drawings correct minor informalities and generally conform to USPTO drawing guidelines for FIGS. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11. Sheet one, which includes FIG. 1, replaces the original sheet one including FIG. 1. Sheet two, which includes FIGS. 2 and 3, replaces the original sheets two and three including FIGS. 2 and 3. Sheet three, which includes FIGS. 4 and 5, replaces the original sheets four and five including FIGS. 4 and 5. Sheet four, which includes FIG. 6, replaces the original sheet six including FIG. 6. Sheet five, which includes FIG. 7, replaces the original sheet seven including FIG. 7. Sheet six, which includes FIG. 8, replaces the original sheet eight including FIG. 8. Sheet seven, which includes FIG. 9, replaces the original sheet nine including FIG. 9. Sheet eight, which includes FIGS. 10, 11, replaces the original sheets ten and eleven including FIGS. 10, 11.

Attachments: eight Replacement Sheets

REMARKS

In this Amendment, Claim 24 has been amended to depend from Claim 10. Thus, all claim amendments herein are directed towards a matter of form and are made for reasons unrelated to patentability.

Claims 24-29 should be reinstated and allowed.

The Examiner states:

Claims 24-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. (Office Action, page 2.)

Applicants note that the Examiner states that Claims 24-27 are withdrawn. However, in the Office Action Summary, Claims 24-29 are indicated as withdrawn. Applicants request clarification.

Applicants have amended Claim 24 to depend from Claim 10. Accordingly, Claims 24-29 depend from Claim 10 and should be reinstated and allowed for at least the same reasons as Claim 10.

For the above reasons, Applicants respectfully request reinstatement and allowance of Claim 24-29.

The Objection to the drawings should be withdrawn.

The Examiner states:

... The drawings are objected to because the current drawings are informal. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action... (Office Action, page 2.)

Attached are eight replacement sheets of drawings in compliance with 37 CFR 1.121(d). As discussed above under the Amendments to the Drawings section, the replacement sheets correct minor informalities and generally conform to USPTO drawing guideline.

The attached eight replacement sheets replace the drawings as originally filed. To avoid confusion, please disregard the formal drawings filed along with the application on July 16, 2003.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of the objection to the drawings.

Buijsman et al., US Publication No.: 2002/0167060 is not prior art under 35 U.S.C. 102(e) with respect to the present application.

Claims 1-8, 10-12 stand rejected under 35 U.S.C. 102(e) as being anticipated by Buijsman et al., US Publication No.: 2002/0167060. Applicants respectfully submit that Buijsman et al., US Publication No.: 2002/0167060, is not prior art under 35 U.S.C. 102(e) with respect to the present application.

Initially, Applicants note that the Examiner states:

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)). (Office Action, page 4.)

The Examiner's conclusion that "the prior art date of the reference is determined under 35 U.S.C. 102(e) **prior to** the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e))" is respectfully traversed. Applicants note that Buijsman et al. was filed in the U.S. on Feb. 27, 2002. Applicants further note the Foreign Application Priority Date of **March 2, 2001** of the corresponding **European** Application. As discussed further below, a European Application is not an International (PCT) application. Further, even if it was, March 2, 2001, the filing date of the European Application, is not before November 29, 2000. Accordingly, the prior art

date of the reference is determined under 35 U.S.C. 102(e) **subsequent** to the amendment by the AIPA.

Accordingly, the appropriate 35 U.S.C. 102(e) is as follows:

(e) the invention was described in – (1) an application for patent, published under section 122(b), by another **filed in the United States before the invention by the applicant** for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, **except that an international application filed under the treaty defined in section 351(a)** shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; (Emphasis added.)

35 U.S.C. § 351 sets forth:

35 U.S.C. 351 Definitions.

When used in this part unless the context otherwise indicates– (a) The term **"treaty"** means **the Patent Cooperation Treaty** done at Washington, on June 19, 1970.

Accordingly, a European Application is not an international (PCT) application and Buijsman et al. would have to be filed in the United States before the invention by the applicants to be prior art under 35 U.S.C. 102(e).

As set forth above, Buijsman et al. was filed in the United States on **February 27, 2002**. Applicants note that the present application is a divisional of U.S. Patent Application Serial No.: 09/855,244, filed on **May 14, 2001**, prior to the February 27, 2002 filing date of Buijsman et al.

Accordingly, Buijsman et al. is not prior art under 35 U.S.C. 102(e) with respect to the present application.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 102(e)

rejection of Claims 1-8, 10-12 as being anticipated by
Buijsman et al. and allowance of Claims 1-8, 10-12.

Allowable Subject matter.

Claim 9, which depends from Claim 1, is allowable for
at least the same reasons as Claim 1.

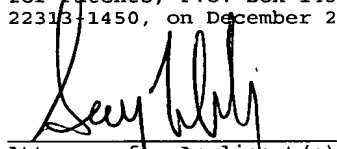
For the above reason, Applicant respectfully requests
reconsideration and withdrawal of the objection to Claim 9.

Conclusion

Claims 1-12, 24-29 are pending in the application. For
the foregoing reasons, Applicants respectfully request
allowance of all pending claims. If the Examiner has any
questions relating to the above, the Examiner is
respectfully requested to telephone the undersigned Attorney
for Applicant(s).

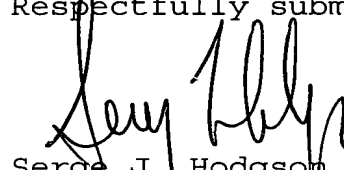
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Attorney for Applicant(s)

December 22, 2004
Date of Signature

Respectfully submitted,


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